UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/2001/SR.14
31 January 2002

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 1 May 2001, at 5 p.m.

Chairperson: Mr. RIEDEL (Vice-Chairperson)

later: Ms. BONOAN-DANDAN (Chairperson)

CONTENTS

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of the Republic of Korea (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.01-41678 (E) 261101 310102

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of the Republic of Korea (continued) (E/1990/6/Add.23; E/C.12/Q/REPOFKOR/2; E/C.12/A/REPOFKOR/1; written replies to the list of issues prepared by the Government of the Republic of Korea (document distributed in English only))

1. At the invitation of the Chairperson, the members of the delegation of the Republic of Korea resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Republic of Korea to answer members' questions left over from the previous meeting.

3. Ms. Kyung-wha KANG (Republic of Korea), replying to questions concerning the mandate of the National Human Rights Commission, confirmed that it was empowered to investigate cases of human rights violations committed by members of the police and armed forces. She explained that, contrary to the information given at the previous meeting, the Act on Punishment of Sexual Violence was aimed mainly at women, while the Prevention of Domestic Violence Act targeted all family members, including spouses, children and the elderly. However, temporary shelters established under those acts had never yet catered for male victims. As to employees in the agriculture and forestry sector, the estimated number of workers benefiting from the same social protection and rights as self-employed workers in urban areas was 2.2 million.

4. Turning to divorce, she explained that recent case law showed that wives were granted 30 per cent of property acquired during the marriage. The mounting divorce rate could perhaps be attributed to women's improved status and their increased economic power. Thanks to their financial independence, women no longer hesitated to terminate an unsatisfactory marriage. The Government was negotiating with all parties concerned to extend maternity leave from 60 to 90 days with full pay. Even if the negotiations were successful, that period would still be shorter than the 14 weeks recommended in the revised ILO Maternity Protection Convention, so that the Government was not yet in a position to ratify that instrument. She concurred with Committee members that the practice of identifying the sex of foetuses led to unsafe abortions and to a high maternal mortality rate. The Government was therefore endeavouring to put an end to the practice by prohibiting medical personnel from performing the test, but it lacked the financial and human resources needed to monitor all the country's clinics.

5. Ms. Ki-soon LEE (Republic of Korea) said that eradication of that practice doubtless called for a change in attitudes. Accordingly, the Ministry of Gender Equality had formulated a

policy centred on education and awareness. In the field of education, it encouraged non-sexist training of public officials, police officers and teachers. Gender-equality awareness programmes formed part of all the sporting and cultural events held to mark Women's Week, celebrated every year from 1 to 7 July.

6. Ms. Kyung-wha KANG (Republic of Korea) acknowledged that child prostitution and sexual exploitation of children constituted an increasingly serious problem that could well be blamed on modern society's materialistic tendencies and on the growing use of the Internet. To address the problem, in 2000 the authorities had promulgated the Sexual Protection for Adolescents Act, which provided for very severe penalties and public identification of perpetrators of such acts, and for specific guidance and rehabilitation programmes for the victims. A commission directly accountable to the Prime Minister had been established to combat the phenomenon and protect young people. As to whether the Government took cases of gender discrimination to the courts, under domestic law it was for persons who believed they were victims of such discrimination to bring a court action. The Government's role was merely to make a modest financial contribution to legal aid.

7. Mr. Hae-young CHUNG (Republic of Korea) explained that, since 1 July 2000, membership of the occupational accident insurance and employment guarantee schemes had been compulsory for employees of all firms, whatever their size. It was worth noting that an employee who suffered an industrial accident or contracted an occupational disease automatically received all the benefits to which he or she was entitled, even if the employer's contributions had not been paid. The employment guarantee scheme comprised three parts: unemployment insurance, the professional skills upgrading programme and the job security plan. Its membership accounted for 6.7 million, or 77 per cent, of the 8.7 million employees of businesses of all sizes. The membership rate was admittedly low in small businesses with one to four employees, but it was expected to improve now that the Government had assigned more staff to collecting business contributions.

8. Mr. Suk-kyu LEE (Republic of Korea) acknowledged that the share of medical expenses borne by insured persons in the Republic of Korea was high compared with that of beneficiaries in other OECD countries. However, he stressed that the insurance premiums were modest: 3.4 per cent of monthly income for employees and 35,000 won per month for self-employed workers. The statistics for 2000 showed a deductible of 25 per cent of hospital fees and 61 per cent of the total cost of out-patient services.

9. Ms. Kyung-wha KANG (Republic of Korea) said that the social security budget might appear small compared with the defence budget. However, it should be remembered that the situation prevailing on the Korean Peninsula called for high military spending. That having been said, as a percentage of gross domestic product (GDP), the social security budget was constantly on the increase, standing at just over 11 per cent in 1998, despite the serious financial crisis that the country was experiencing. In 2000, 16.6 million persons - 60 per cent of the labour force aged between 16 and 60 - had been contributors to the national pension scheme. Work was still needed to improve coverage for self-employed workers, who did not always pay their contributions, probably because of the economic crisis. All workers were entitled to the

minimum wage, currently 410,000 won, other than those whose contracts dated from before the new minimum wage had come into effect. Lastly, she explained the conditions governing lay-offs: workers could be laid off only as a last resort and with 60 days' notice. There had been a slow but steady drop in the number of workers laid off since 1998.

10. Mr. WIMER ZAMBRANO, citing paragraph 143 of the report, sought an explanation of the Korean Government's policy for combating prostitution and rehabilitating former prostitutes. What was the legal framework governing prostitution?

11. Mr. CEAUSU, noting that 16.6 million persons aged 16-60 were covered by the sickness insurance scheme, asked whether children under 16 were automatically insured through their parents.

Articles 11 and 12

12. The CHAIRPERSON invited the Korean delegation to reply to the questions in the list of issues relating to articles 11 and 12.

13. Ms. Kyung-wha KANG (Republic of Korea) said that 40 per cent of persons on low incomes, rather than 40 per cent of the total population, lived below the poverty line.

14. With regard to evictions, she confirmed that, as stated in paragraph 225 of the report, no evictions were carried out without offers of alternative housing or adequate compensation. There were 152 temporary shelters for the homeless in the country, providing food, clothing and physical and mental health care, especially to the disabled, and implementing reintegration programmes.

15. The programme for the target groups referred to in paragraph 223 of the report had been discontinued with the establishment of a new social aid scheme designed to guarantee satisfaction of essential needs and covering the former programme beneficiaries, namely, people unable to work.

16. In conclusion, on the subject of medical assistance for refugees, she explained that asylum-seekers worked and therefore received the same protection as other workers. For that reason, the authorities had deemed it unnecessary to set up reception centres.

17. Mr. PILLAY requested clarifications concerning evictions, which was the subject of the Committee's General Comment No. 7. According to certain non-governmental organizations (NGOs), the Urban Renewal Act would not apply to tenants whose homes had been demolished by private developers. Furthermore, the table contained in the written replies showed that of 35,000 evicted persons, only 29,000 had been temporarily rehoused or compensated. Likewise, certain NGOs claimed that an estimated 5,000 homeless persons did not have access to shelters. They also questioned the delegation's figures for beneficiaries of the new social aid scheme. Noting that rent accounted for 30 per cent of total household expenditure, he asked whether any low-rental housing existed. Could the delegation furnish examples to illustrate the housing situation, and say what measures the Government had taken to remedy the problem?

18. Mr. MALINVERNI, noting that application of the social welfare system to foreigners, including asylum-seekers, was based on the principle of reciprocity, asked whether persons from countries with which no bilateral agreement had been signed received any form of assistance. A case in point was that of an asylum-seeker from Myanmar, allegedly suffering from a severe kidney ailment, who would receive no contribution towards his hospital expenses from the Government. He also requested further information on the Government's collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR).

19. On the subject of reimbursement of medical expenses, some NGOs had alleged that a substantial proportion of care was not covered by the social security system. He requested details concerning hospitals, 90 per cent of which were apparently managed by the private sector, and 10 per cent by the public sector. Had that disproportion had any impact on access to hospital care? What proportion of the budget was allocated to health, excluding social insurance? According to some sources, it was extremely small, and had dropped between 1996 and 1999.

20. Mr. TEXIER, drawing attention to the Committee's General Comment No. 7, asked what procedure was followed in mass evictions. Was an agreement reached with the population concerned? Were individual evictions negotiated? Did the courts become involved? He would also like to know the number of homeless people, whether they received legal protection, and the specific measures taken to house them.

21. Mr. THAPALIA asked for additional information on a number of points. What factors made persons vulnerable to poverty in the Republic of Korea? What was the proportion of low-income workers? What was the minimum cost of living? He would also like to have data, disaggregated by gender and nationality if possible, on the income of disadvantaged groups and to know why the number of beneficiaries of the basic livelihood scheme had tripled in the period 1999-2000.

22. Mr. CEAUSU requested clarification of the number of households in the Republic of Korea, since the figures given in paragraph 188 of the report conflicted with those given in paragraph 229. Concerning the right to health, he would like to know what the AIDS-prevention programme entailed. What seropositivity screening methods were used? Were steps taken to prevent all forms of discrimination against the sick? What were the authorities doing to combat smoking, especially among school-age children?

23. Noting that medical insurance accounted for more than half of public health expenditure, he asked whether treatment costs and doctors' fees were regulated. Did the need to bear part of the cost of medical treatment not deter patients from consulting a doctor or agreeing to be hospitalized?

24. Mr. WIMER ZAMBRANO requested more information about the type of prevention campaign conducted under the anti-AIDS programme. He asked whether there had been any developments in the civil and criminal legislation on abortion, and what trends were emerging in society and the Government.

25. Concerning the right to education, he asked whether the authorities guaranteed the children of immigrants access to primary education, regardless of whether their status was legal, and if so, on what terms.

26. Ms. Bonoan-Dandan took the Chair.

27. Mr. ATANGANA asked whether AIDS patients received free treatment or had to pay part of their treatment costs. He also wished to know whether the National Cancer Centre had been set up in 2000, as planned. Lastly, what measures were the authorities adopting to combat leprosy, which was endemic in remote regions?

28. Mr. RIEDEL said he would like further information concerning the provision of essential drugs which, according to General Comment No. 14 (document E/C.12/2000/4), was a basic obligation of the State party. On public health spending, he would like to know the reasons for the considerable increase in health insurance and treatment costs, and the appreciable decrease in the amount allocated not only to health expenditure, but also to food and drugs.

29. Citing paragraph 269 of the report, which referred to mental health, he asked who managed the community care centres and who decided on the treatment procedures for patients. Were there any supervisory bodies? Were cases taken to court in the event of a dispute?

30. Ms. Kyung-wha KANG (Republic of Korea) replied that public health expenditure had risen from US$ 1.8 billion in 1998 to US$ 2.5 billion in 2000 because of the large number of persons affiliated to the social welfare scheme who had experienced serious financial hardship as a result of the crisis in Asia in 1997. The authorities had therefore been obliged to come to the aid of such persons. Patients currently paid 20 per cent of their medical and hospital expenses, a not unreasonable percentage in the light of the country's economic situation.

31. Where cancer treatment was concerned, a centre, managed and funded by the State, had recently been opened near Seoul. All administrative districts also had leprosy registers. Lepers received free medical care and could apply for transfer to special centres if they so wished. Essential drugs were distributed free of charge, or at very low cost, to the rural public health centres, the numbers of which were constantly increasing. The Republic of Korea had no special medical centres for immigrants, who were very often treated in the workplace.

32. In 2000 there had been 1,280 HIV/AIDS patients in the Republic of Korea, 162 of them women. Since that time 52 had died. Screening was free, but treatment, which was covered by the health insurance system, had first to be paid for by the patient. In an attempt to halt the spread of the disease, a law had been adopted in November 1997, introducing a system of compulsory registration of seropositive persons. Sex education classes were now provided at all educational levels, and the Ministry of Health had organized a number of HIV/AIDS information and awareness campaigns.

33. Prostitution was illegal in the Republic of Korea and punishable under the Criminal Code. All the same, the legislation in force needed to be amended to provide better protection for women who engaged in that illicit trade and to facilitate their reintegration into society.

34. In conclusion, she said she had no knowledge of cases of uncompensated eviction. Although the practice was totally illegal, such cases could occur unbeknown to the authorities. Could the Committee therefore inform the delegation of any specific cases that had come to its attention?

Articles 13-15

35. The CHAIRPERSON invited the delegation of the Republic of Korea to reply to questions 35-38 in the list of issues.

36. Ms. Kyung-wha KANG, (Republic of Korea) referring to the right to education, said her country was as yet not in a position to provide entirely free secondary education, owing to the extremely heavy burden of some US$ 3.4 billion per year that would impose on the national economy. The Government had therefore opted for a gradual approach, which included subsidizing the schooling of children from families in the low-income bracket. Human rights education was included in primary and secondary school curricula and as a general principle of school and extra-mural study programmes.

37. Turning to censorship, she said that the Government did not, in principle, censor any cultural or educational activity. The Performing Arts Promotion Committee had been established to replace the Council of Ethics. An independent non-governmental body, its task was to examine the content of the various shows, films and sound and video recordings, classifying them in a manner that protected children and young people in particular from violent or pornographic messages or images.

38. Mr. HUNT observed that there was a manifest imbalance between the funds earmarked for public education, representing 4.4 per cent of the country's GDP, a figure much lower than the average for the OECD countries, and State spending on private education, which accounted for 2.94 per cent of GDP, a much higher figure than the OECD country average. Moreover, according to a report from the Korean National Commission for UNESCO, the problems facing education in the Republic of Korea appeared to stem from the fact that public education was inadequately funded, so that parents felt obliged to send their children to private schools. That imbalance could be prejudicial to disadvantaged families and was perhaps the reason why there were fewer girls than boys in higher education. Noting that university enrolment fees had risen considerably in recent years, he wondered how the State party reconciled that state of affairs with article 13, paragraph 2 (c), of the Covenant, which recommended the progressive introduction of free higher education. The State party also claimed that human rights education was part of the official syllabus, but had not made it clear whether teachers received special training in the subject.

39. Mr. MARCHÁN ROMERO welcomed the fact that the Republic of Korea had declared the new millennium the Millennium of Culture and was endeavouring to rally the entire population around that idea. He wished to know whether the Government's intention was to achieve an exclusively national consensus or whether it would extend it to other cultures in the interest of pluralism and universality. In either case, had the Government taken steps to involve the most vulnerable groups in society, such as women, the disabled, persons living

in remote areas, or minorities, in that vast undertaking? Furthermore, did it plan to launch a programme of cultural reunification with the Democratic People's Republic of Korea?

40. He noted that the Culture and Arts Promotion Fund had been established in 1973, not only to support creative activities in various fields and provide better knowledge of the arts, but also to strengthen the social protection of artists. Did that protection extend to all artists? Or were they required to meet certain criteria in order to benefit from the Fund's assistance and protection? He also wished to know whether there was an effective copyright protection system, and, if so, whether it applied equally to artists in remote rural areas.

41. Although the Government claimed that it did not, in principle, practise cultural censorship, it nevertheless referred to a classification system for films, video and sound recordings, and for shows featuring foreign artists and intended for a young audience. He took issue with the use of predetermined criteria for the classification of the arts and entertainment, on the grounds that they could restrict artists' freedom of expression. Could the delegation provide additional information on that subject?

42. Mr. RATTRAY asked to what extent primary education was "compulsory and available free to all" in the terms of article 13, paragraph 2 (a) of the Covenant. Did the free primary education the Government claimed to provide include free textbooks, or did it cover school fees alone? Did the State's failure to pay secondary education fees not effectively exclude the most disadvantaged? Furthermore, higher education would appear to be the preserve of the private sector, which creamed off 96.6 per cent of students in the first cycle of tertiary education and 75 per cent of all university students. Access to higher education therefore appeared to be contingent on students' financial means and the ability to obtain a loan, which accounted for the widening gap between rich and poor in that area. Did the Government intend to take steps to tackle that state of affairs?

43. Noting that many higher education establishments enjoyed great autonomy, he asked whether the Government imposed minimum-quality standards on them, to ensure that those graduating attained an acceptable level of education.

44. Mr. MARTYNOV, remarking that the Government had decided to establish free secondary education progressively, asked whether a deadline had been set for attainment of that goal and whether it was required to report on progress.

45. He was pleased that the primary school enrolment rate was almost 100 per cent, which, in percentage terms, was excellent. However, it was not clear what importance the Government attached to the quality of primary education. Could the delegation furnish data on teacher training, and state the number of pupils per class in urban and rural areas?

46. Mr. WIMER ZAMBRANO asked what importance was accorded to regional and minority languages. Were they taught in schools? Was there a programme for the preservation of such languages?

47. Ms. Kyung-wha KANG (Republic of Korea) replied that there was no minority language in her country and that the few dialects spoken in certain regions did not differ sufficiently from the national language to warrant separate syllabuses.

48. On the subject of censorship, the Republic of Korea was aware that the National Security Act could, in certain cases, constitute an obstacle to freedom of expression and freedom of the press. Accordingly, liberals were pressing for it to be repealed. But the Government believed that since Korea was still a divided country, the Act could not simply be annulled. Nevertheless, its intention was to amend the Act so as to ensure that it could not be used as a pretext for breaches of human rights. Meanwhile, in 1998 and 1999 it had published three guidelines prohibiting those responsible for application from interpreting the National Security Act too freely.

49. Regarding the pupil-teacher ratio in towns and rural areas, the latter were in no way disadvantaged. Quite the contrary: a dearth of pupils occasionally forced schools to close.

50. As to the question concerning teaching skills, teachers must hold a diploma from a teacher-training centre, attesting to adequate knowledge and skill, to perform their duties. The Government also monitored the quality of education by regularly reviewing and updating syllabuses.

51. Where access to higher education was concerned, selection was based not on financial criteria, but on the level of academic attainment, the national education system being highly competitive in that regard. All university entrants were prepared to incur debts in order to pursue their studies. The rise in university fees merely reflected the rate of inflation. The State did not intervene in university curriculum development; it was for the universities themselves, which enjoyed great autonomy, to determine the quality of the education they intended to impart to their students.

52. With regard to the gradual introduction of free secondary education, she said that as yet only the first cycle in remote areas and on the islands was affected. Already, 19 per cent of the schools targeted were free, and the measure should be extended to the entire country by 2004. Admittedly, the second cycle should also be free, but until such time as the State was able to introduce it, the Government had set up a social assistance system whereby it paid the school fees of disadvantaged children so that they would not be excluded from the system. As to the question of whether primary education was entirely free, textbooks were distributed free of charge and only a small contribution to the cost of meals was required of families. Moreover, under the social assistance scheme, the Government paid the full cost of meals for children of the poorest families.

53. She cited statistics to show that young and teenage girls were not at a disadvantage where access to education was concerned: female enrolment rates were virtually identical to those of males at all educational levels. While low-income families sometimes still set more store by their sons' education than that of their daughters, by and large the statistics showed no significant differences between boys and girls. She stressed that her country took account of article 13 of the Covenant in formulating its education policies. Lastly, refresher-courses for teachers contained a human rights component, and children were educated in human rights.

54. Committee members could rest assured that her Government would provide additional information on the cultural strategy adopted by the Republic of Korea and on the issue of a possible cultural rapprochement with the Democratic People's Republic of Korea. The idea of the Millennium of Culture was indicative of a will to encourage pluralism, tolerance and diversity. Under article 22 of the Constitution, the rights of authors, inventors, scientists, engineers and artists were protected by law. To that end, the Republic of Korea had passed the Copyright Act, empowering the State to order the prevention or discontinuation of any breach of copyright. The Act also provided for compensation to be awarded by a court decision and the imposition of sanctions on the guilty parties.

55. The role of the Audiovisual Classification Office was to ensure that children did not view pornographic or excessively violent material. Its duty was to enforce classification criteria, which could, admittedly, be subjective, thereby hindering freedom of expression.

56. In conclusion, she welcomed the constructive debate that had resulted from consideration of her country's second periodic report and assured Committee members that she would pass on their comments and remarks to her Government.

57. The CHAIRPERSON, after thanking the delegation of the Republic of Korea, announced that the Committee had concluded its consideration of the State party's second periodic report.

The meeting rose at 5.55 p.m.